

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

D.P., an Infant, by His Mother and Natural Guardian
L.P.,

Plaintiff,

v.

JUUL LABS, INC. and PAX LABS, INC.

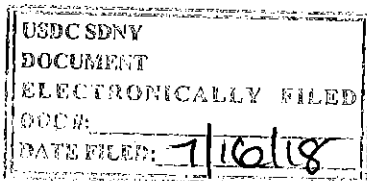
Defendants.

Civ. Action No. 7:18-cv-05758-CS

**STIPULATION OF DISMISSAL OF
PAX LABS, INC. WITHOUT
PREJUDICE**

Judge: Hon. Cathy Seibel

Action Filed: June 26, 2018



Application ~~Granted~~ / Denied
So Ordered.

*without prejudice to
renewal.*

See Local Civil

Rule 83.2.

Cathy Seibel
Cathy Seibel, U.S.D.J.

Dated: 7/16/18

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff D.P., an infant, by his mother and natural guardian, L.P. ("Plaintiff") and Defendant PAX Labs, Inc. ("PAX Labs"), by and through their respective counsel, file this stipulation of dismissal without prejudice as follows:

WHEREAS, Plaintiff filed his Complaint on June 26, 2018 (Dkt. 1);

WHEREAS, Plaintiff served his Complaint upon PAX Labs, Inc. on July 2, 2018;

WHEREAS, pursuant to Federal Rule of Civil Procedure Rule 41(a)(1)(ii), the plaintiff may voluntarily dismiss an action without a court order by filing "a stipulation of dismissal signed by all parties who have appeared";

NOW THEREFORE, the parties hereby stipulate and agree to the following:

1. Plaintiff's claims against PAX Labs are hereby dismissed without prejudice, contingent on the following conditions:
2. PAX Labs will maintain its litigation hold throughout the pendency of the litigation against defendant JUUL Labs, Inc.;
3. PAX Labs will produce witnesses for deposition in this litigation against defendant JUUL Labs, Inc by notice only, without requiring a subpoena;
4. The statute of limitations for Plaintiff's claims against PAX Labs will be tolled throughout the pendency of this litigation against defendant JUUL Labs, Inc.;
5. Each party shall bear its own costs and fees.
6. This dismissal without prejudice shall not affect Plaintiff's claims against any other party.

IT IS SO STIPULATED.

Dated: July 12, 2018

GOODWIN PROCTER LLP

By: 

Glenn S. Kerner
The New York Times Building
620 Eighth Avenue
New York, NY 10018
Tel.: 212-813-8800
Fax: 212-355-3333
gkerner@goodwinlaw.com

Attorneys for Defendant PAX LABS, INC.

Dated: July 12, 2018

GISKAN, SOLOTAROFF & ANDERSON &
STEWART, LLP

By:  

Jason Louis Solotaroff
217 Centre St., 6th Fl.
New York, NY 10013
(212) 847-8315
Fax: (646) 964-9610
Email: jsolotaroff@gslawny.com

Attorneys for Plaintiff

IT IS SO ORDERED:

Dated: July, 2018

U.S.D.J.